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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,433

10/06/2005

Remy Tanimura

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

MAI, HAO D

ART UNIT

PAPER NUMBER

3732

MAIL DATE

DELIVERY MODE

07/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,433

Applicant(s)

TANIMURA, REMY

Examiner

Hao D. Mai

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/06/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-2 are objected to because of the following informality: the different names “the hollow intermediate connecting part”, “the intermediate connecting part”, and “the connecting part” render ambiguity whether they refer to the same limitation and thus lack appropriate antecedent bases. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 9 and 11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the deformable metallic slots, does not reasonably provide enablement for the slots being T-shaped (claim 9) or oblique (claim 11). The specification does not enable any person skilled in the art to which it pertains, to make the connecting arrangement between the implant, the placement tool, and such T-shaped or oblique intermediate connecting part to commensurate in scope with these claims. Claims 9-11 are further rejected under prior art (below) as best understood.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. **Claims 1-6, and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutter et al. (5,947,733).**
6. Regarding claim 1, Sutter et al. disclose an abutment 220 (Fig. 4E) that has the same structure as the claimed intermediate connecting part and can be used for fixing a tool 700 to an end of an implantable element 400.
7. Regarding claims 2-6, and 13-14, Sutter et al. disclose an abutment 800 (Fig. 6B) that has the same structure as the claimed hollow intermediate connecting part by having fixing means being screwing means 832, clipping means 835, first groove 832, rim 821, second groove 835, an opening 830, and spigots (threads) 832.
8. Regarding claims 15-16, Sutter et al. disclose the implantable element to be a dental implant 1 and the tool being a placing tool/screw driver 700.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
10. **Claims 7-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutter et al. (5,947,733) in view of Gervais et al. (7,160,109 B2).**
11. Sutter et al. discloses an intermediate connecting part (abutment) for the purpose of fixing a tool onto an implant according to claim 1. However Sutter et al. are silent to the connecting part being made of plastic and/or metal and that it comprises deformable slots.

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12. Regarding claims 7, 8, 10, and 12, Gervais et al. explicitly teach of a fixture mount for the purpose of fixing a tool onto an implant; the fixture mount being plastic and/or metal (column 16 lines 31-34), comprising slots 184 (Fig. 10) that are parallel to the axis for fixing onto the tool and/or the implant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make Sutter et al.'s intermediate connecting part (abutment) out of plastic and/or metal with slots parallel to the axis for the purpose of fixing onto the complementary tool and implant.

13. Regarding claims 9 and 11, different shapes of the slots such as T-shaped or oblique are a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular shapes of the slots were significant. See MPEP 2144.04.

14. Regarding claim 17, Gervais et al. teach of the fixture mount being an impression transfer part mechanism (column 11 lines 31-34) implying that the tool can be a transfer part.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao D. Mai whose telephone number is (571) 271-3002. The examiner can normally be reached on Mon-Thur 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HDM 07/09/2007

/Thao X. Le/

Primary Examiner, AU 2814